

REMARKS

Claims 1, 8, 32, 37, and 40 have been amended to limit the cross-section of the parabolic concentrator in the plane direction of light travel. Support is found in original claims 4, and 11. The claimed invention is now limited to concentrators having a substantially circular in a cross-section parallel to the output aperture.

Claims 1, 3, 7, 8, 12-18, 32-34, 37, 40 & 41 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 11, 12, 17, 18, 20, 23, 32, 37 & 39-41 of copending Application No. 10/860,545. An appropriate executed Terminal Disclaimer is enclosed to overcome this rejection.

Claims 1, 3, 4, 7, 8, 11, 12, 14-18, 32-34 & 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ketchpel (USPN 5,396,406). According to the Examiner:

Regarding claim 1, Ketchpel discloses an array of tapered structures (e.g., 14), each the tapered structure (14) having a light input aperture (e.g., Figures 2-3) and a larger light output aperture, wherein the inner surface of each the tapered structure (14) is adapted to reflect off-axis light incident and at the input aperture to the output aperture (e.g., Figures 2-3) in which the array of tapered structures comprises an array of concentrators (e.g., column 6, lines 25-40) extending between an input aperture on an input surface and an output aperture on an output surface, each the concentrator having a generally parabolic shape (e.g., column 5, lines 13-56; "...a second preferred embodiment where the collimator consists of clear plastic shaped with a parabolic like profile... etc") taken from the light input aperture to the light output aperture....

Regarding claim 4, Ketchpel discloses in a cross-section parallel to the output aperture, the tapered structure is substantially circular.

Regarding claim 11, Ketchpel discloses in a cross-section parallel to the output surface, the hollow reflective cavities are substantially circular.

Ketchpel is about an imaging device including RGB pixels that are to be selectively illuminated by backlight 26. The Examiner does not cite a specific passage of the reference where the required circular cross-section is disclosed. No suggestion can be found to employ a parabolic concentrator with a circular cross-section. Ketchpel employs a grooved cross-sectional shape (col. 3/

In 68). The groove 36 appears to extend the entire length of the device. A circular cross-section is not suggested. Since Ketchpel is using a linear phosphor stripe 30, 32, 34, arrangement (3/67) using cylindrical lenses 16 (3/60), it is not believed that a circular arrangement would be contemplated to work for Ketchpel. It seems clear that there is no basis for concluding that there is an anticipation. Since the main claims have been distinguished over Ketchpel, it is believed that the claims recited only in the Ketchpel rejection are now allowable.

Claims 5, 6, 13 & 40-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. (USPN 5,839,812). This rejection is unclear since the Examiner lists only Ge but then appears to rely on Ketchpel. Ge does not appear to suggest the parabolic feature. Part 207 is described as a cone and it is well recognized that a cone is not a parabola.

The Examiner argues that the changing of shapes is normally regarded to be routine. However, for both of the references cited by the Examiner, the shape is a key inventive feature. The Examiner must demonstrate a motivation for one of ordinary skill to arrive at the combination or shape selection but this has not been done. Since the two devices are so dissimilar, the references are not properly combinable.

In view of the foregoing amendments and remarks and the included Terminal Disclaimer, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Terminal Disclaimer